

REISSUE APPLICATION

ROUTING SLIP

(DO NOT REMOVE FROM FILE)

Reissue Application No.: 09/912,791

09912791

To Examiner: Dang, Hung Xuan

Art Unit: 2873

Via SPE: Epps, Georgia

(SPE: If no examiner is indicated above, then (1) assign and docket the Reissue to an examiner, (2) forward the Reissue to the assigned examiner for action as indicated below, and (3) immediately inform the SPREs of the examiner assigned.)

First Action

O. G. Publication Date: 16-Oct-01

DUE DATE: **02-Nov-02**

NOTE: No action may be taken in a Reissue Application prior to the expiration of **TWO MONTHS** from the O. G. Publication Date.

EXAMINERS:

Submit all completed actions for counting and further processing with the Technical Support Staff.

TECHNICAL SUPPORT STAFF:

After counting an allowance or abandonment – promptly forward application to the SPRE Center (CP4-6D28) for final review and Reissue flag removal.

Questions regarding Reissue Practice should be directed to:

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EXAMINER NOTE: THIS PAPER IS AN INTERNAL WORKSHEET ONLY. DO NOT ENCLOSE WITH ANY COMMUNICATION TO THE APPLICANT. ITS PURPOSE IS ONLY THAT OF AN AID IN HIGHLIGHTING THE PARTICULAR PROBLEM AREA(S) IN THE REISSUE APPLICATION.

Date: October 2, 2002

To: Hung Dang, Examiner AU 2873

Via: Georgia Epps, SPE AU 2873

From: Ed Westin, SPRE TC 2800

For: Reissue Application 09/912,791

The following items were noted after a cursory review:

1) Please have a litigation search done (on the patent (US Pat No. 5,940,162) on which this reissue is based) by the EIC in CP4-9C18. They usually get it done within a day or two. In fact, you can make the request to them by e-mail. Their e-mail address is STIC-EIC2800. Include the results of the litigation search in the application file.

2) The declaration is defective in that it does not include the mailing or post office address as required under 37 CFR 1.63. Use form paragraphs 6.05 and 6.05.19.

3) Although the patent rights apparently have not been assigned, applicant should affirmatively state that there is no assignee. See MPEP section 1410.01. Use form paragraph 14.15.

4) There is definitely a question of recapture in this reissue application. Please order the parent patent and carefully look into the specific amendments made and the specific comments made by applicant's attorney concerning the allowability of the claim.

5) A request for interference just matched w/ the case after this memo and the case were sent to you. Please review and order the patent where the claims are copied. You will need to send a 1.607(d) letter to the patent owner of the patent w/ copied claims. Check w/ a SPRE if you need assistance. Thanks. then 10/15/02

Please review the above comments and take any appropriate action deemed necessary.
Please contact me if I can be of any assistance.